

SHAM LAL ETC. A

v.

UNION OF INDIA AND OTHERS

August 16, 1978.

[V. R. KRISHNA IYER, D. A. DESAI AND O. CHINNAPPA REDDY, JJ.] B

Punjab Excise Act 1914—Section 59(f)(v). Punjab Liquor Licence Rules 1956 Rule 37—Effect of Amendment by State of Haryana—Desirability of neighbouring States to follow uniform policy in regard to prohibition.

Rule 37 of the Punjab Liquor Licence Rules 1956 as amended by the State of Haryana, made the 1st and 7th of every month a holiday for liquor shops. The petitioners assailed its validity. C

Dismissing the writ petitions :

HELD : As Haryana and Punjab are neighbouring States, identical days of teetotalism have to be declared in both States failing which the exercise in prohibition will prove futile, at least in the border districts. If the days are different in the two States a massive trek of the drinking population from the border districts of one State to the other would ensue, thereby defeating the statutory purpose. [159H, 160A-B] D

P. N. Kaushal etc. v. Union of India etc. [1979] 1 SCR 122, followed.

(For appearance refer to pages 125-126).

The Judgment of the Court was delivered by E

KRISHNA IYER, J. The State of Haryana, like the other States of India, has on its statute book a legislation for liquor regulation and fiscal levy. In fact, it is the same as the Punjab Excise Act, 1914. To bring in progressive restriction in the sale of alcohol, rule 37 was amended in Haryana making the 1st and the 7th of every month a holiday for liquor shops. This rule and the statutory source of power to make rules, namely, s. 59(f)(v) of the Punjab Excise Act, 1914, have been challenged before us on a variety of grounds and we have heard counsel on both sides. The arguments being identical with those already considered by us in the Punjab batch of writ petitions that judgment governs these cases also, and therefore we annex it to this judgment and we do not think it necessary to launch on any additional discussion. F

A few other submissions, which hardly merit mention were made we do not deal with them. G

One cautionary signal we would like to sound. Haryana and Punjab are neighbouring States and unless identical days of teetotalism H

A for the liquor shops are declared in both States, the exercise in prohibition will prove futile, at least in the border districts. If the days are different in the two States, there will be a massive trek of the drinking population from the border districts of one State to the other, thus defeating the statutory purpose. We hope that liquor lobby notwithstanding, the State, will streamline the 'dry' days in both the States.

B For reasons given in writ petition Nos. 4021-4022 of 78 etc., we dismiss the present batch of writ petitions with costs. (One hearing fee).

N.V.K.

Petitions dismissed.